



DEFENSE LOGISTICS AGENCY
HEADQUARTERS
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J-33

NOV 20 2002

IN REPLY
REFER TO

PROCLTR 02-16

MEMORANDUM FOR PROCLTR DISTRIBUTION LIST

SUBJECT: Update to Defense Logistics Acquisition Directive (DLAD) 52.213-9004, Offeror Representations, Certifications, and Fill-in Information – Electronic Commerce

The purpose of this PROCLTR is to update the subject clause because of changes to Federal Acquisition Regulation (FAR) 25.405, 52.219-1, and DLAD 52.217-9002, to incorporate additional fill-in requirements for child labor (FAR 52.222-18), and to revise fill-in requirements for DLAD 52.23-9001 (Alternative Dispute Resolution).

This PROCLTR is effective immediately and expires upon incorporation into the DLAD. The point of contact for this PROCLTR is Mr. Charles Howerton, J-3311, at (703) 767-1352 (DSN 427). He may also be reached via e-mail at charles_howerton@hq.dla.mil.

CLAUDIA S. KNOTT
Executive Director
Acquisition, Technical, and Supply

Attachment



52.213-9004 Offeror representations, certifications, and fill-in information--electronic commerce.

As prescribed in 13.101(b)(2)(90), insert the following provision in all solicitations below the simplified acquisition threshold issued using electronic means, **except for those accomplished through the PD2 and Event Manager components of Business Systems Modernization.**

OFFEROR REPRESENTATIONS, CERTIFICATIONS, AND FILL-IN INFORMATION-- ELECTRONIC COMMERCE
(Nov 2002) -- DLAD

(a) Offerors are required to provide the following socioeconomic and other data in a coded, rather than a fill-in, format. This provision consolidates, to the maximum extent practicable, **most of the** applicable representations and certifications (other than those provided on an annual basis) and fill-in portions of clauses and provisions from the Federal Acquisition Regulation (FAR), the Defense FAR Supplement (DFARS), and the DLA Acquisition Directive (DLAD).

(b) This provision constitutes a recordation of the representations, certifications, and other data requirements contained in the individual provisions incorporated herein by reference via the citation(s) at each numbered paragraph. It is not intended to supersede those provisions, except that the requirement for marking certain boxes or otherwise entering information individually into these cited provisions is hereby replaced by the requirement to complete this provision 52.213-9004. The offeror is reminded that all provisions incorporated herein by reference remain binding in their entirety. Any penalties for misrepresentation contained in the referenced provisions (e.g., penalties for misrepresentation of business status under FAR 52.219-1, paragraph (d)(2)) still apply. Furthermore, additional information required by the individual provisions to be provided "at the time of" or "with" the offer must be transmitted elsewhere in your response or sent/faxed under separate cover (as appropriate) concurrently with your transmitting this transaction to the Government.

(c) The offeror may electronically access the full text of each referenced provision at, or through links provided at: <http://www.dla.mil/j-3/j-336/icps.htm> . The offeror may also request that the contracting officer provide the hard-copy full text of any DLAD or local provision(s) referenced below.

(d) The following provision segments, identified, where necessary, to a specific line item number(s), **shall** be completed by the offeror.

01. FAR 52.204-3, Taxpayer Identification [also, FAR 52.212-3, Offeror Representations and Certifications - Commercial Items (paragraph (b)), when used for commercial items].

01A Enter one of the following: TIN (without dashes); or the appropriate code from the list below; or state other basis why TIN is not required. _____.

BA = TIN has been applied for.

TIN is not required because:

FO = Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the U.S., and does not have an office or place of business or a fiscal paying agent in the U.S.

FG = Offeror is an agency or instrumentality of a foreign government.

GT = Offeror is an agency or instrumentality of the Federal government.

01B Select one code from the following list that identifies the offeror's type of organization. If other than those listed, provide identification: _____.

PM = Corporate entity (not tax-exempt).

OE = Corporate entity (tax-exempt).

SP = Sole proprietorship.

PA = Partnership.

GE = Government entity (Federal, State, or local).

FG = Foreign government.

WE = International organization per 26 CFR 1.6049-4.

01C If offeror is owned or controlled by a common parent, enter Common Parent Name.
(Enter "NA" if not applicable.)

01D If offeror is owned or controlled by a common parent, enter Common Parent TIN
(without dashes). (Enter "NA" if not applicable.)

02. FAR 52.209-1, Qualification Requirements. (Applies only to an acquisition subject to a qualification requirement. When qualification applies, 02A and at least one of the items from 02B through 02F must contain an entry other than "NA.")

02A Enter the individual line item number for which qualification information is applicable. Enter "ALL" if, and only if, the responses to 02B through 02F are the same for all line items in your offer. Enter "NA" if the solicitation does not contain a qualification requirement. (NOTE: If information is being provided for individual line item numbers, segments 02A through 02F should be repeated as many times as necessary)

02B Enter Manufacturer's Name or CAGE code. (Enter "NA" if clause not applicable.)

02C Enter Source Name or CAGE code. (Enter "NA" if clause not applicable.)

02D Enter Item Name. (Enter "NA," if clause not applicable.)

02E Enter Service Identification. (Enter "NA" if clause not applicable, or "NK" if service identification is not known).

02F Enter Test Number. (Enter "NA" if clause not applicable, or "NK" if test number is not known.)

03. FAR 52.211-5, Material Requirements.

03A Enter the individual line item number for which the offeror proposes to furnish "other than new" (used) material; or reconditioned/remanufactured material; or unused former Government Surplus property. Enter "ALL" if, and only if, the response to 03B is the same for all line items in your offer. Enter "NA" here and in 03B if the provision is not applicable. (NOTE: If information is being provided for individual line item numbers, segments 03A and 03B should be repeated as many times as necessary.)

03B Select one of the following codes to describe the material the offeror intends to furnish: . If any code other than "NA" is entered, the offeror shall provide a list under separate cover describing such material in accordance with paragraphs (c) or (d) of the cited clause.

ON = Other than new (used)

RI = Reconditioned/Remanufactured Item

SU = New, Unused Government Surplus (If surplus material is offered, offeror must also complete the representation in clause 52.211-9000, **Government** Surplus Material (**Apr 2002**)).

NA = Not applicable

04. FAR 52.219-1, **Small Business Program Representations/Type of Business**

04a The offeror certifies as part of his offer that it is a _____ business type. (Select only one code from the list below.)

B = Small Business Concern (Use this code if your firm is a small business concern, as defined in FAR 52.219-1, paragraph (c), **and no other code below applies.**)

C = Nonprofit Institution. (Use this code if you are a business entity organized and operated exclusively for charitable or scientific purposes, and you are exempt from Federal income taxation under Section 501 of the Internal Revenue Code, as described in FAR 31.701.)

E = Educational Institution. (Use this code if you are an institution of higher education (i.e., college or university) other than a historically black college or university or minority institution.)

F = Historically Black College or University (HBCU). (Use this code if you are a historically black college or university, as defined in FAR 2.101.)

G = JWOD Participating Nonprofit Agency. (Use this code if you are a nonprofit agency-serving people who are blind, or those with other severe disabilities, as defined in FAR 8.701.)

P = Minority Institution. (Use this code if you are a minority institution, other than a historically black college or university, as defined in FAR 2.101.)

X = Intragovernmental. (Use this code if you are a Federal Agency, Government corporation, or other Government agency, such as Federal Prison Industries (UNICOR).)

M = Small Disadvantaged Business Concern (Use this code if your firm is a small disadvantaged business concern, as defined in FAR 52.219-1(b)(2)).

W = Woman-owned Small Business Concern (Use this code if your firm is a woman-owned small business **concern**, as defined in FAR 52.219-1, paragraph (c).)

T = Veteran-Owned Small Business Concern (Use this code if your firm is a veteran-owned small business concern, as defined in FAR 52.219-1, paragraph (c), and code R does not apply.)

R = Service-Disabled Veteran-Owned Small Business Concern (Use this code if your firm is a service-disabled veteran-owned small business concern, as defined in FAR 52.219-1, paragraph (c).)

U = Woman-Owned Small Disadvantaged Business Concern (Use this code if your firm is both a woman-owned small business and a small disadvantaged business.) See citations for definitions at codes M and W, above.

K = Small Disadvantaged, Service-Disabled Veteran-Owned Small Business Concern (Use this code if your firm is both a small disadvantaged business and a service-disabled veteran-owned small business.) See citations for definitions at codes M and R, above.

L = Small Disadvantaged, Other Veteran-Owned Small Business Concern (Use this code if your firm is both a small disadvantaged business and a veteran-owned small business (but not a service-disabled veteran-owned small business).) See citations for definitions at codes M and T, above.

N = Woman-Owned, Service-Disabled Veteran-Owned Small Business Concern (Use this code if your firm is both a woman-owned small business and a service-disabled veteran-owned small business.) See citations for definitions at codes W and R, above.

V = Woman-Owned, Other Veteran-Owned Small Business Concern (Use this code if your firm is both a woman-owned small business and a veteran-owned small business

(but not a service-disabled veteran-owned small business).) See citations for definitions at codes W and T, above.

Y = Woman-Owned, Small Disadvantaged, Service-Disabled Veteran-Owned Small Business Concern (Use this code if your firm is a woman-owned small business, a small disadvantaged business, and a service-disabled veteran-owned small business.) See citations for definitions at codes W, M, and R, above.

Z = Woman-Owned, Small Disadvantaged, Other Veteran-Owned Small Business Concern (Use this code if your firm is a woman-owned small business, a small disadvantaged business, and a veteran-owned small business (but not a service-disabled veteran-owned small business).) See citations for definitions at codes W, M, and T, above.

A = Large Business (Use this code if your firm is not included in any of the above categories.)

04B HUBZone Small Business Concern. Enter "Y" to represent that your firm is a HUBZone small business concern whose name appears on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and as described in paragraph (c) of FAR 52.219-3 (Notice of Total HUBZone Set-Aside). Otherwise, enter "N."

04C The offeror makes the following representation regarding its joint venture status: . If any code other than "NA" is entered, the offeror shall provide under separate cover a list of the names of participating HUBZone small business concerns.

JV = "Y" is entered in 04B, the offeror is a joint venture that complies with the requirements of 13 CFR Part 126, and the offeror's representation provided by entry of the "Y" in 04B is accurate for the HUBZone small business concern(s) participating in the joint venture. [Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.]

JN = "Y" is entered in 04B, but the offeror is not a joint venture within the requirements of 13 CFR Part 126.

NA = Not applicable. (Use this code if "N" has been entered in 04B.)

04D If 04A, above, contains a code other than "M," "U," "K," "L," "Y," or "Z," insert "NA" on the blank line. If 04A contains any of these codes, the offeror shall identify the category on which its small disadvantaged business status is based: . (Applies to offers exceeding \$25,000.)

BA = Black American.

HA = Hispanic American.

AI = Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians).

AP = Asian-Pacific American (persons with origins from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).

SC = Subcontinent Asian (Asian-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal).

SD = Small disadvantaged individual/concern, based on other than one of the preceding.

NA = Not applicable (04A contains a "B," "W," "T," "R," "N," or "V").

05. FAR 52.222-22, Previous Contracts and Compliance Reports (Applies to offers exceeding \$10,000 when FAR 52.222-26 applies.)

05A (Completion of segment 05A also serves as the offeror's representation that it will obtain, prior to subcontract awards, representations signed by proposed subcontractors indicating submission of required compliance reports.) Select one code from the following list that identifies the offeror's submission of required compliance reports:_____.

Y4 = Has participated in a previous contract subject to applicable Equal Opportunity coverage, and filed all required compliance reports.

Y5 = Has participated in a previous contract subject to applicable Equal Opportunity coverage, and has not filed all required compliance reports.

N4 = Has not participated in a previous contract requiring compliance reports.

NA = Not applicable.

06. FAR 52.222-25, Affirmative Action Compliance. (Applies to offers exceeding \$10,000 when FAR 52.222-26 applies.)

06A The offeror represents as part of its offer that (select one code from the following list):_____.

Y6 = The offeror has developed and has on file required affirmative action programs.

N6 = The offeror has not developed and does not have on file required affirmative action programs.

NH = The offeror has not had previous contracts subject to the written affirmative action program requirements.

NA = Not applicable.

07. FAR 52.223-3, Hazardous Material Identification and Material Safety Data; DFARS 252.223-7001, Hazard Warning Labels; DLAD 52.223-9000, Material Safety Data Sheets and Hazard Warning Labels. (Completion of segment 07 serves as the offeror's representation that it will submit for each item as required prior to award, a Material Safety Data Sheet (MSDS) prepared in accordance with paragraph (a)(2) of the cited DLAD clause and a copy of the Hazard Warning Label, in accordance with referenced Hazard Communication Standard, Federal Standard, and any other requirement contained in the cited clauses.)

07A Enter the individual line item number for which the labeling/MSDS requirements described above apply. Enter "ALL" if, and only if, the response to 07B is the same for all line items in your offer. Enter "NA" if the provisions are not applicable. (NOTE: If information is being provided for individual line item numbers, segments 07A and 07B should be repeated as many times as necessary.) _____.

07B Select the code that indicates whether hazardous material(s) will be supplied:_____. If code Y7 is entered, in addition to the MSDS(s) and Hazard Warning Label(s), the offeror must provide under separate cover a list, in accordance with paragraph (b) of the cited FAR clause, of hazardous materials intended to be furnished. Also on that list, the offeror shall indicate the statute in accordance with which each such hazardous material will be labeled. (See paragraph (c) of the cited DFARS clause.)

Y7 = The offeror proposes to furnish hazardous material.

N7 = Hazardous material will not be furnished.

08. DFARS 252.225-7000, Buy American Act - Balance of Payments Program Certificate (applies only if the contract amount is expected to exceed \$2,500 and DFARS 252.225-7001 is included in the solicitation); and DFARS 252.225-7035, Buy American Act - North American Free Trade Agreement Implementation Act - Balance of Payments Program Certificate. (Applies only if the contract amount is expected to exceed \$25,000 and DFARS 252.225-7036 or its Alternate I is included in the solicitation.) [Either or both of these clauses may serve as the basis for this requirement.]

08A Select one of the following: _____.

Y8 = The offeror certifies that each end product is a domestic end product, and that components of unknown origin are considered to have been mined, produced, or manufactured outside the United States or a qualifying country.

N8 = The offeror certifies that not all end products are domestic end products, and further certifies the identification of every non-domestic end product and its country of origin as provided in paragraphs 09 and 10, below.

NA= Not applicable.

09. DFARS 252.225-7000, Buy American Act - Balance of Payments Program Certificate.
(Applies only if the contract amount is expected to exceed \$2,500 and DFARS 252.225-7001 is included in the solicitation.)

09A Enter the individual line item number of any end product that is not a domestic end product. Enter "ALL" if, and only if, the responses to 09B and 09C are the same for all line items in your offer. Enter "NA" if the response to 08A is coded "Y8," or if the provision is not applicable. (NOTE: If information is being provided for individual line item numbers, segments 09A through 09C should be repeated as many times as necessary.)

09B The offeror certifies that the end product identified in 09A, above, is a
(select one code from the list below): .

QE = Qualifying Country End Product.

NQ = Non-qualifying Country End Product.

NA = Not applicable. (Insert "NA" if the response to 09A is coded "NA," or if the provision is otherwise inapplicable.)

09C The offeror certifies that the country of origin of the end product identified in 09A, above, is as follows. (Select one of the codes below for a Qualifying Country end product; enter the name of a nonqualifying country; otherwise, enter "NA" if the response to 09A is coded "NA," or if the provision is otherwise inapplicable.)_____.

AS = Australia

BE = Belgium

CA = Canada

DA = Denmark

EG = Egypt

GE = Federal Republic Germany

FR = France

GR = Greece

IS = Israel

IT = Italy

LU = Luxembourg

NL = Netherlands

NO = Norway

PO = Portugal

SP = Spain

TU = Turkey

UK = United Kingdom of Great

Britain and Northern Ireland

AU = Austria

FI = Finland

SW = Sweden

LZ = Switzerland

10. DFARS 252.225-7035, Buy American Act - North American Free Trade Agreement Implementation Act - Balance of Payments Program Certificate. (Applies only if the contract amount is expected to exceed \$25,000 and DFARS 252.225-7036 or its Alternate I is included in the solicitation.)

10A Enter the individual line item number of any end product that is not a domestic end product. Enter "ALL" if, and only if, the responses to 10B and 10C are the same for all line items in your offer. Enter "NA" if the response to 08A is coded "Y8," or if the provision is not applicable. (NOTE: If information is being provided for individual line item numbers, segments 10A through 10C should be repeated as many times as necessary.)

10B The offeror certifies that the end product identified in 10A, above, is a
(select one code from the list below): .

QE = Is a qualifying Country (except Canada) End Product.

NE = Is a NAFTA Country End Product (applies to acquisitions from Canada for \$25,000 or more, and from Mexico for \$53,150 or more).

NN = Is an other Non-NAFTA Country End Product.

NA = Not applicable (Insert "NA" if the response to 10A is coded "NA," or if the provision is otherwise inapplicable.)

10C The offeror certifies that the country of origin of the end product identified in 10A, above, is as follows. (Select one of the codes below for a Qualifying Country, U.S.-made, or NAFTA end product; enter the name of a nonqualifying country; otherwise, enter "NA" if the response to 10A is coded "NA," or if the provision is otherwise inapplicable.)
_____.

AS = Australia
BE = Belgium
CA = Canada
DA = Denmark
EG = Egypt
GE = Federal Republic Germany
FR = France
GR = Greece
IS = Israel
IT = Italy
LU = Luxembourg
MX = Mexico

NL = Netherlands
NO = Norway
PO = Portugal
SP = Spain
TU = Turkey
UK = United Kingdom of
Britain and Northern Ireland
AU = Austria
FI = Finland
SW =Sweden
SZ = Switzerland

11. DFARS 252.225-7003, Information for Duty-Free Entry Evaluation.

11A Enter the individual line item number for which duty-free entry information is being provided. Enter "ALL" if, and only if, the responses to 11B through 11E are the same for all line items in your offer. Enter "NA" if the provision is not applicable. (NOTE: If information is being provided for individual line item numbers, segments 11A through 11E should be repeated as many times as necessary.)

11B Does the offeror propose to furnish either a domestic end product with nonqualifying country components for which the offeror requests duty-free entry, or a foreign end product consisting of end items, components, or material of foreign origin other than those for which duty-free entry is to be accorded?

Y9 = Yes
N9 = No
NA = Not applicable

11C Are such foreign supplies now in the United States?

YD = Yes
ND = No
NA = Not Applicable

11D Has the duty on such foreign supplies been paid?

YP = Yes
NP = No
NA = Not Applicable

11E If the response to 11D is "NP," enter amount included in offer price to cover applicable duty that has not been paid; otherwise, enter 0 (zero); if not applicable, enter "NA":

12. DLAD 52.217-9002, Conditions for Evaluation and Acceptance of Offers for Part Numbered Items. (In addition to providing the information required in 12A, 12B, 12C, 13A, 13B, 13C, 13D, and 13E, below, the offeror shall provide the manufacturer's name and part number in the appropriate segment of this transaction. **"Exact product," "alternate product," "superceding part number" and "previously-approved product" are defined in 52.217-9002.**)

12A Enter the individual line item number for which the offeror intends to provide the exact product (including manufacturer's name, cage code and part number) referred to in the **acquisition identification** description (AID) of this solicitation. Enter "ALL" if the exact product(s) as specified in the solicitation will be provided for all line items in your offer. Enter "NONE" if only alternate products **to the products referred to in the AID of this solicitation** will be provided for all line items. Enter "NA" if the solicitation does not pertain to part-numbered items. (NOTE: If information is being provided for individual line item numbers, segments 12A, 12B and 12C should be repeated as many times as necessary.)

12B If 12A contains an entry other than "None" or "NA", enter the CAGE Code which pertains to the exact AID part number being offered. Enter "NA" if the solicitation does not pertain to part-numbered items. Enter "None" if an alternate product **to the product referred to in the AID of this solicitation** is being offered.

12C If 12A contains an entry other than "None" or "NA", enter the exact **AID** part number which pertains to the item being offered. Enter "NA" if the solicitation does not

Comment: On 12/6/02 DLAD editor updated DLAD provision / clause 52.213-9004 IAW PROCLTR 02-16. For additional details and archival coverage see prefatory comment #50.

pertain to part-numbered items. Enter "None" if an alternate product **to the product referred to in the AID of this solicitation** is being offered._____.

13. DLAD 52.217-9002, Conditions for Evaluation and Acceptance of Offers for Part Numbered Items. (See instructions in parentheses at 12. above.)

13A Enter the individual line item number for which the offeror intends to provide an alternate product to the product referred to in **the AID** of this solicitation. Enter "ALL" if alternate products to the product referred to in **the AID** will be provided for all line items in your offer. Enter "NONE" if only the exact product(s) will be provided for all line items. Enter "NA" if the solicitation does not pertain to part-numbered items. (NOTE: If information is being provided for individual line item numbers, segments 13A through 13E should be repeated as many times as necessary.) _____.

13B If 13A contains an entry other than "NONE" or "NA", and if the alternate product specified has been previously furnished to the Government or otherwise evaluated and approved, enter the contract or solicitation number under which it was furnished or approved. If the alternate product has been previously approved outside of a solicitation/contract process, enter the name of the approving authority. Enter "NF" if the alternate product has not previously been furnished and approved. Enter "NONE" if the exact product is being offered. Enter "NA" if the solicitation does not pertain to part-numbered items. _____.

13C If 13A contains an entry other than "NONE" or "NA," enter the CAGE code which pertains to the part number being offered. Enter "NONE" if the exact product is being offered. Enter "NA" if the solicitation does not pertain to part-numbered items. _____.

13D If 13A contains an entry other than "NONE" or "NA", enter the part number which pertains to the item being offered. Enter "NONE" if the exact product is being offered. Enter "NA" if the solicitation does not pertain to part-numbered items. _____.

13E If 13A contains an entry other than "NONE" or "NA", enter "AB" if you are offering an alternate product that has not been previously approved (**this includes a previously reverse-engineered product that is not currently cited in the AID**), "PA" if this is a previously approved alternate product, or "SN" if this is a part number that supersedes the part number cited in **the AID** of the solicitation. Enter "NONE" if the exact product is being offered. Enter "NA" if the solicitation does not pertain to part-numbered items _____.

NOTE: For each alternate **product to the product referred to in the AID of this solicitation**, the offeror must **furnish the** drawings, specifications, and other data required by **52.217-9002**. In addition, for items that have previously been reverse-engineered **but are not currently cited in the AID**, the offeror must provide with this offer the data package and other requirements established in paragraph (c) (2) of **52.217-9002**.

14. DLAD 52.233-9001, Disputes: Agreement to Use Alternative Disputes Resolution (ADR)._____

14A. Select one of the following codes to indicate the offeror's position regarding the acceptability of this ADR clause:_____ (enter code here).

..
.. A = The offeror accepts the clause
.. B = The offeror opts out of this clause and does not desire to negotiate alternate wording

15. FAR 52.222-18 Certification Regarding Knowledge of Child Labor for Listed End Products.

15A. Select one of the following codes to indicate the offeror's furnishing of any end product listed at <http://www.dol.gov/ilab/regs/eo13126/main.htm> :_____.

"Y15" The offeror will not supply any end product from the **list** provided above, that was mined, produced, or manufactured in a corresponding country as listed for that end product.

Comment: Page: 246
On 9/28/01 DLAD editor added section 52.213-9004(d) 14, IAW PROCLTR 01-16

"M15" The offeror may supply an end product from the [list](#) provided above. The offeror certifies that it has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture such end product. On the basis of those efforts, the offeror certifies that it is not aware of any such use of child labor.

(End of provision)